



## State of New Jersey

Department of Environmental Protection

Land Use Regulation Program  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 777-3656  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

James E. McGreevey  
Governor

Bradley M. Campbell  
Commissioner

Joseph Sweger  
NJDOT  
1035 Parkway Ave. P.O. Box 600  
Trenton, NJ 08625-0600

**AUG 29 2002**

RE: Authorization for Freshwater Wetlands Statewide General Permit,  
& Water Quality Certification  
File Nos. 1107-02-0009.1-FWW020001  
Applicant: NJDOT.  
Project: Scour Countermeasures  
Route 1 over Shipetaukin Creek  
Lawrence, Mercer County, NJ

Dear Mr. Sweger,

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:27A. The proposed activity is authorized by Statewide General Permit No. 10B, which allows for expansion, widening or upgrading of one or more existing paved or unpaved roads, including attendant features such as shoulders, sidewalks and embankments. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

### Limit of Authorized Disturbance

The authorized activities are shown on Sheets B3 and B4 of B11. B3 entitled "General Plan and Elevation Scour Countermeasures, Route 1 Section, Lawrence Township, Mercer County, dated August 13, 2002, unrevised and prepared by New Jersey Department of Transportation, Bureau of Structural Engineering. B4 entitled "Cross-Sections Scour Countermeasures, Route 1 Section, Lawrence Township, Mercer County, dated August 13, 2002, unrevised and prepared by New Jersey Department of Transportation, Bureau of Structural Engineering. The authorized activity involves the placement of gabion mattress within the existing stream channel to provide for scour protection. The authorized activity involves the temporary disturbance of 0.11 acre (4,919 square feet) of open water area as shown on the referenced plan(s). This disturbance will occur only for the duration of the construction activity and will not result in the disturbances to open water or wetland areas upon completion of the repair activities to counter scour erosion. The wetland lines are accurate as shown. Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

1. The permittee must submit a Monitoring Report to this Program for review and approval within 30 days of completion of all in-water activities. This report must include color photo's of the area immediately downstream of the disturbed area. In addition, this report shall include spot elevations and detailed cross-sections of the area immediately downstream of the disturbed area. Specifications for cross-sections can be found in "The Technical Manual for Land Use Regulation Program, Bureau of Inland and Coastal Regulations, Stream Encroachment Permits", Section 2.2-14(b).

A second Monitoring Report will be required six months after completion of all in-water activities, also containing the above requested information.

Upon the Program's receipt and review of the second report, the permittee will be notified in writing if further monitoring or remedial action will be required.

2. To protect the warm water fish during spawning a timing restriction of May 1 to June 30 prohibiting in-water construction activities is imposed to reduce the possibility of increased turbidity.
3. All excavated materials must be disposed of at an approved upland site. Under no circumstances is excess material to be disposed of in wetlands, transition area to wetlands, stream corridors, or other environmentally sensitive areas.
4. The applicant shall maintain all soil erosion and turbidity controls for the life of the project.
5. All disturbed areas should be planted with an approved mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment.
6. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands or transition areas.
7. Downstream areas must be protected from excess turbidity during construction. Silt fences (a) must be installed downstream for instream work under wet conditions that can resuspend sediments. A dewatering basin (b) must be installed for any instream work during dry conditions where return discharges can release turbid water downstream.

(a) Using steel posts, a series of silt fence segments are to be installed at upstream angles (30-45 degrees) from the bank outward to the stream centerline in staggered rows spaces 4-5 feet apart to trap and settle suspended sediments. Three rows from each bank side should be installed at a minimum. The bottom of the silt fence fabric should be anchored using hand placed rocks.

(b) Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point of the stream encompassed by turbidity barrier. The dewatering conduit leading into a basin is to be fitted with a sediment filter bag.

8. The total amount of disturbance associated with this authorization shall not exceed 0.11 acres (4,919 square feet) of temporary disturbance to State open water areas in the immediate vicinity of the Route 1 structure over Shipetaukin Creek.
9. (a) The upper-most 18 inches of any temporary excavation is backfilled with the original soil material where feasible and otherwise with suitable material. The excavation must be backfilled to the pre-existing elevation except where low-channel provisions are to be provided or where disturbance to steep, unstable stream bank areas may require more gradual slope gradients for stability as according to "Standards for Soil Erosion and Sediment Control in New Jersey".

(b) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.

8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

#### Transition Area

The wetlands affected by this permit authorization are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

#### Consistency with the Areawide Water Quality Management Plan

This project has not been reviewed for consistency with the relevant Water Quality Management Plan or the Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be reached at (609) 292-6894 for North (Middlesex, Hunterdon and counties north) or (609) 633-1169 for South (Mercer, Monmouth and counties south). For general information concerning water quality management planning process, please contact the Office of Environmental Planning at (609) 633-1179.

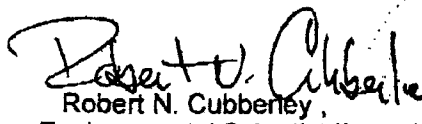
#### Appeal of Decision

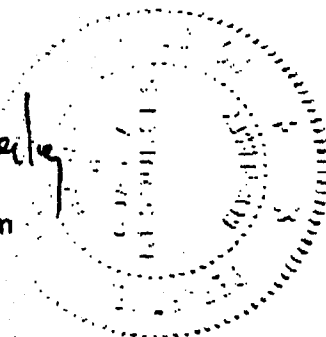
In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

File No. 1107-02-0009.1-FWW020001  
Page 5  
Statewide General Permit No.10B

If you have any questions regarding this authorization, please contact Charles Welch of my staff by e-mail [charlie.welch@dep.state.nj.us](mailto:charlie.welch@dep.state.nj.us) or by phone at (609) 984-0162. Please reference the above file number.

Sincerely,

  
Robert N. Cubbeney,  
Environmental Scientist II  
Land Use Regulation Program



cc: Bureau of Enforcement  
Municipal Clerk  
Municipal Construction Official  
Andy Didun, NJ F&W



## State of New Jersey

Department of Environmental Protection

Land Use Regulation Program  
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Bradley M. Campbell  
Commissioner

AUG 28 2002

Joseph Sweger  
NJDOT  
1035 Parkway Ave. P.O. Box 600  
Trenton, NJ 08625-0600

RE: Authorization for Freshwater Wetlands Statewide General Permit  
& Water Quality Certification  
File Nos. 1806-02-0011.1-FWW020001  
Applicant: NJDOT.  
Project: Scour Countermeasures (Structure No. 1801-161)  
Route 22 over Peter's Brook  
Bridgewater Township, Somerset County, NJ

Dear Mr. Sweger,

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Statewide General Permit No. 1, which allows for maintenance and repair, rehabilitation, replacement, maintenance, or reconstruction of a previously authorized, currently serviceable structure, fill, roadway, utility line, active irrigation or drainage ditch, or stormwater management facility lawfully existing prior to July 1, 1988 or permitted under this chapter. Minor deviations due to changes in materials or construction techniques and which are necessary to make repairs, rehabilitation, or replacements are allowed provided such changes do not result in disturbance to additional freshwater wetlands or State open waters upon completion of this activity. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

### Limit of Authorized Disturbance

The authorized activities are shown on Sheets B5 and B6 of B11. B5 entitled "General Plan and Elevation Scour Countermeasures Permit Plan, Route 22 Section, Bridgewater Township, Somerset County, dated August 13, 2002, unrevised and prepared by New Jersey Department of Transportation, Bureau of Structural Engineering. B6 entitled "Cross-Sections Scour Countermeasures, Route 22 Section, Bridgewater Township, Somerset County, dated August 13, 2002, unrevised and prepared by New Jersey Department of Transportation, Bureau of Structural Engineering. The authorized activity involves the placement of gabion mattress within the existing stream channel to provide for scour protection. The authorized activity involves the temporary disturbance of 0.11 acre (4,973 square feet) of open water area as shown on the referenced plan(s). This disturbance will occur only for the duration of the construction activity and will not result in the disturbances to open water or wetland areas upon completion of the repair activities to counter scour erosion. The wetland lines are accurate as

shown.. Any additional disturbance of freshwater wetlands, State open waters or transition area shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

### Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

1. The permittee must submit a Monitoring Report to this Program for review and approval within 30 days of completion of all in-water activities. This report must include color photo's of the area immediately downstream of the disturbed area. In addition, this report shall include spot elevations and detailed cross-sections of the area immediately downstream of the disturbed area. Specifications for cross-sections can be found in "The Technical Manual for Land Use Regulation Program, Bureau of Inland and Coastal Regulations, Stream Encroachment Permits", Section 2.2-14(b).

A second Monitoring Report will be required six months after completion of all in-water activities, also containing the above requested information.

Upon the Program's receipt and review of the second report, the permittee will be notified in writing if further monitoring or remedial action will be required.

2. To protect the warm water fish during spawning a timing restriction of May 1 to June 30 prohibiting in-water construction activities is imposed to reduce the possibility of increased turbidity.
3. All excavated materials must be disposed of at an approved upland site. Under no circumstances is excess material to be disposed of in wetlands, transition area to wetlands, stream corridors, or other environmentally sensitive areas.
4. The applicant shall maintain all soil erosion and turbidity controls for the life of the project.
5. All disturbed areas should be planted with an approved mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses. The use of one of these mixtures will permanently stabilize the soil and enhance the environment.
6. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands or transition areas.
7. Downstream areas must be protected from excess turbidity during construction. Silt fences (a) must be installed downstream for instream work under wet conditions that can resuspend sediments. A dewatering basin (b) must be installed for any instream work during dry conditions where return discharges can release turbid water downstream.

(a) Using steel posts, a series of silt fence segments are to be installed at upstream angles (30-45 degrees) from the bank outward to the stream centerline in staggered rows spaces 4-5 feet apart to trap and settle suspended sediments. Three rows from each bank side should be installed at a minimum. The bottom of the silt fence fabric should be anchored using hand placed rocks.

(b) Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point of the stream encompassed by turbidity barrier. The dewatering conduit leading into a basin is to be fitted with a sediment filter bag.

8. The total amount of disturbance associated with this authorization shall not exceed 0.11 acres (4,973 square feet) of temporary disturbance to State open water areas in the immediate vicinity of the Route 22 structure over Peters Brook.

9. (a) The upper-most 18 inches of any temporary excavation is backfilled with the original soil material where feasible and otherwise with suitable material. The excavation must be backfilled to the pre-existing elevation except where low-channel provisions are to be provided or where disturbance to steep, unstable stream bank areas may require more gradual slope gradients for stability as according to "Standards for Soil Erosion and Sediment Control in New Jersey".

(b) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A 9.2 and 9.3, the following general conditions must be met for the activity authorized under this Statewide General Permit:

General conditions:

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.



7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

#### Transition Area

The wetlands affected by this permit authorization are of Intermediate resource value and the standard transition area or buffer required adjacent to these wetlands is 50 feet. This General Permit includes a transition area waiver which allows encroachment only in that portion of the transition area which has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-6.2(a).

#### Consistency with the Areawide Water Quality Management Plan

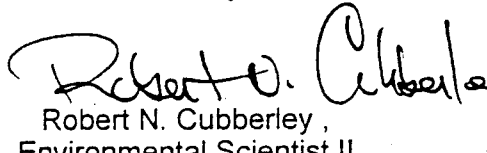
This project has not been reviewed for consistency with the relevant Water Quality Management Plan or the Statewide Water Quality Management Planning Rules (N.J.A.C. 7:15). As such, there is no intended or implied approval regarding additional permits which may be required from the Department. For treatment works approvals, the consistency determination will be performed by the Bureau of Engineering and Permitting (North/South) which may be reached at (609) 292-6894 for North (Middlesex, Hunterdon and counties north) or (609) 633-1169 for South (Mercer, Monmouth and counties south). For general information concerning water quality management planning process, please contact the Office of Environmental Planning at (609) 633-1179.

#### Appeal of Decision

In accordance with N.J.A.C. 7:7A-12.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, P.O. Box 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact Charles Welch of my staff by e-mail [charlie.welch@dep.state.nj.us](mailto:charlie.welch@dep.state.nj.us) or by phone at (609) 984-0162. Please reference the above file number.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert N. Cubberley". The signature is fluid and cursive, with the last name being particularly prominent.

Robert N. Cubberley,  
Environmental Scientist II  
Land Use Regulation Program

cc: Bureau of Enforcement  
Municipal Clerk  
Municipal Construction Official  
Andy Didun, NJ F&W



# State of New Jersey

Department of Environmental Protection

Bradley M. Campbell  
Commissioner

James E. McGreevey  
Governor

Land Use Regulation Program  
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August 27, 2002

Joseph Sweger  
NJ Department of Transportation  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-0600

RE: **Authorization for Freshwater Wetlands Statewide General Permit No. 1,**  
**LURP File No.:** # 1000-02-0002.1 – FWGP 020001  
**Applicant:** NJ Department of Transportation  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-0600  
**Project:** **Bridge Scour Evaluation Program**  
**Route 31 over Spruce Run**  
Borough of Glen Gardner and  
Townships of Bethlehem and Lebanon  
Hunterdon County

Dear Mr. Sweger:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Statewide General Permit No. 1, which authorizes activities in freshwater wetlands and/or State open waters for the repair, rehabilitation, replacement, maintenance, or reconstruction of a previously authorized, currently serviceable structure, fill, roadway, utility line, active irrigation or drainage ditch, or stormwater management facility lawfully existing prior to July 1, 1988 or permitted under this chapter. Minor deviations due to changes in materials or construction techniques and which are necessary to make repairs, rehabilitation, or replacements are allowed provided such changes do not result in disturbance of additional freshwater wetlands or State open waters upon completion of the activity. This letter of authorization to conduct a regulated activity in a wetland or open water includes a Water Quality Certificate for these activities.

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### Limit of Authorized Disturbance

The authorized activities are shown on the revised plans entitled "Estimate of Quantities (sheet B2 of B11), General Plan and Elevation Scour Countermeasures" (bridge sheet B7) and Cross Sections Scour Countermeasures (bridge sheet B8), dated August 13, 2002, and prepared by Richard W. Dunn. The authorized activity involves the temporary disturbance of 969 square feet (0.02 acres) of open water area as shown on the plan. This disturbance will occur only for the duration of the construction activity and will not result in disturbances to open water or wetland areas upon completion of the repair activities to counter scour erosion. The wetland lines are accurate as shown. Any additional disturbance of wetlands, transition areas and/or State open waters other than what is shown on the approved plans shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

### Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et. seq.).

### Special Conditions

1. (a) The permittee must submit a Monitoring Report to this Program for review and approval within 30 days of completion of all in-water activities. This report must include color photographs of the area immediately downstream of the disturbed area. In addition, this report shall include spot elevations and detailed cross-sections of the area immediately downstream of the disturbed area. Specifications for cross-sections can be found in "The Technical Manual for Land Use Regulation Program, Bureau of Inland and Coastal Regulations, Stream Encroachment Permits," Section 2.2-14(b).  
  
(b) A second Monitoring Report will be required six months after completion of all in-water activities, also containing the above requested information.  
  
(c) Upon the Program's receipt and review of the second report, the permittee will be notified in writing if further monitoring or remedial action will be required.
2. The total amount of disturbance associated with this authorization shall not exceed **0.02 acres (969 sf)** of temporary disturbances to State open water areas in the immediate vicinity of the Route 31 over Spruce Run.
3. From **October 15 thru April 15** of each year, no in-stream or near stream sediment generating activities shall be conducted that would adversely affect the trout production waters of Spruce Run and their recreational use.
4. The area of construction activities shall be the minimum necessary for safely completing the design depicted on the approved plans.
5. (a) The upper-most 18-inches of any temporary excavation is backfilled with the original soil material where feasible and otherwise with suitable material. The excavation must be backfilled to the pre-existing elevation except where low-flow channel provisions are to be provided or where disturbance to steep, unstable stream bank areas may require more gradual slope gradients for stability as according to "Standards for Soil Erosion and Sediment Control in New Jersey."

(b) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetlands and watershed.

6. Areas of upland and wetland excavation, such as for the access road, must be restored with native, indigenous species. Disturbed stream banks must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc. in accordance with manufacturers recommendations. The use of a mixture of warm and cool seasonal grasses, containing at least 20% warm season grasses, should be used to stabilize the soil.
7. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands, or transition areas.
8. Downstream areas must be protected from excess turbidity during construction. Silt fences (a) must be installed downstream for instream work under wet conditions that can resuspend sediments. A dewatering basin (b) must be installed for any instream work requiring dry conditions where return discharges can release turbid water downstream.
  - (a) Using steel posts, a series of silt fence segments are to be installed at upstream angles (30-45 degrees) from the banks outward to the stream centerline in staggered rows spaced 4-5 feet apart to trap and settle suspended sediments. Three rows from each bank side should be installed at a minimum. The bottoms of the silt fence fabric should be anchored using hand-placed rocks.
  - (b) Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point of the stream encompassed by turbidity barrier. The dewatering conduit leading into the basin is to be fitted with a sediment filter bag.
9. The disposal of excess excavated material and demolition debris will be properly placed and/or temporarily stockpiled outside of freshwater wetlands, transition areas, State open waters, and areas regulated under the Flood Hazard Area Control Act Rules.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

**General conditions:**

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
2. This permit is revocable in accordance with DEP regulations and State law.
3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.

5. No change in plans or specifications shall be made except with the prior written permission of the Department.
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

### Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Should you have any questions regarding this authorization, please contact William McLaughlin of our staff at (609) 984-0194, email (William.McLaughlin@DEP.State.NJ.US) or at the address listed above. Please reference the above file number.

Sincerely,

  
Robert N. Cubberley  
Environmental Scientist 2  
Bureau of Inland Regulation

WMcL

- c. Andy Didun, F&W-NJDEP  
Bureau of Enforcement  
NJ Water Supply Authority, 1851 Highway 31, P.O. Box 5196, 08809  
Borough of Glen Gardner Clerk  
Borough of Glen Gardner Planning Board  
Township of Bethlehem Clerk  
Township of Bethlehem Planning Board  
Township of Lebanon Clerk  
Township of Lebanon Planning Board  
Hunterdon County Planning Board



# State of New Jersey

Department of Environmental Protection

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Land Use Regulation Program  
P. O. Box 439, Trenton, NJ 08625-0439  
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August 27, 2002

Joseph Sweger  
NJ Department of Transportation  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-0600

RE: Authorization for Freshwater Wetlands Statewide General Permit No. 1,  
LURP File No.: # 1309-02-0002.1 – FWGP 020001  
Applicant: NJ Department of Transportation  
1035 Parkway Avenue  
P.O. Box 600  
Trenton, NJ 08625-0600  
Project: **Bridge Scour Evaluation Program**  
**Route 34 over Mine Brook**  
Colts Neck Township  
Monmouth County

Dear Mr. Sweger:

The Land Use Regulation Program has reviewed the referenced application for a Statewide General Permit authorization pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by Statewide General Permit No. 1 which authorizes activities in freshwater wetlands and/or State open waters for the repair, rehabilitation, replacement, maintenance, or reconstruction of a previously authorized, currently serviceable structure, fill, roadway, utility line, active irrigation or drainage ditch, or stormwater management facility lawfully existing prior to July 1, 1988 or permitted under this chapter. Minor deviations due to changes in materials or construction techniques and which are necessary to make repairs, rehabilitation, or replacements are allowed provided such changes do not result in disturbance of additional freshwater wetlands or State open waters upon completion of the activity.

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### Limit of Authorized Disturbance

Based on the plan entitled "State of New Jersey Department of Transportation Plans of Route 1, 22, 31, 34 Scour Countermeasure Locations", dated August 13, 2002 and prepared by Richard W. Dunn, the authorized activity involves the temporary disturbance of 1,873 square feet (0.04 acres) of open water area as shown on the plans. This disturbance will occur only for the duration of the construction activity and will not result in disturbances to open water or wetland areas upon completion of the repair activities to counter scour erosion. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained prior to the start of the disturbance from the Land Use Regulation Program.

### Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

### Special Conditions

1. (a) The permittee must submit a Monitoring Report to this Program for review and approval within 30 days of completion of all in-water activities. This report must include color photographs of the area immediately downstream of the disturbed area. In addition, this report shall include spot elevations and detailed cross-sections of the area immediately downstream of the disturbed area. Specifications for cross-sections can be found in "The Technical Manual for Land Use Regulation Program, Bureau of Inland and Coastal Regulations, Stream Encroachment Permits," Section 2.2-14(b).  
  
(b) A second Monitoring Report will be required six months after completion of all in-water activities, also containing the above requested information.  
  
(c) Upon the Program's receipt and review of the second report, the permittee will be notified in writing if further monitoring or remedial action will be required.
2. The total amount of disturbance associated with this authorization shall not exceed 0.04 acres (1,873 sf) of temporary disturbances to State open water areas in the immediate vicinity of the Route 34 structure over Mine Brook.
3. From **May 1 thru June 30** of each year, no in-stream or near stream sediment generating activities shall be conducted that would adversely affect the warmwater fisheries of Mine Brook and their recreational use.
4. The area of construction activities shall be the minimum necessary for safely completing the design depicted on the approved plans.
5. a) The upper-most 18-inches of any temporary excavation is backfilled with the original soil material where feasible and otherwise with suitable material. The excavation must be backfilled to the pre-existing elevation except where low-flow channel provisions are to be provided or where disturbance to steep, unstable stream bank areas may require more gradual slope gradients for stability as according to "Standards for Soil Erosion and Sediment Control in New Jersey."



(b) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetlands and watershed.

6. Areas of excavation, such as for the access road, must be restored with native, indigenous species. The stream bank must be restored with native vegetation and stabilized with the use of bioengineering materials, such as biologs, fiber matting, etc.

7. The temporary storage of equipment, materials, and refueling activities shall not be located in regulated areas of open water, wetlands, or transition areas.

8. Downstream areas must be protected from excess turbidity during construction. Silt fences (a) must be installed downstream for instream work under wet conditions that can resuspend sediments. A dewatering basin (b) must be installed for instream work under dry conditions where return discharges can release turbid water downstream.

(a) Using steel posts, a series of silt fence segments are to be installed at upstream angles (30-45 degrees) from the banks outward to the stream centerline in staggered rows spaced 4-5 feet apart to trap and settle suspended sediments. Three rows from each bank side should be installed at a minimum. The bottoms of the silt fence fabric should be anchored using hand-placed rocks.

(b) Any dewatering requires use of a temporary sediment basin to settle out suspended sediments. The return water is to be discharged to a point of the stream encompassed by turbidity barrier. The dewatering conduit leading into the basin is to be fitted with a sediment filter bag.

9. The disposal of excess excavated material and demolition debris will be properly placed and/or temporarily stockpiled outside of freshwater wetlands, transition areas, State open waters, and areas regulated under the Flood Hazard Area Control Act Rules.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Statewide General Permit:

**General conditions:**

1. All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.

2. This permit is revocable in accordance with DEP regulations and State law.

3. The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.

4. The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.

5. No change in plans or specifications shall be made except with the prior written permission of the Department.

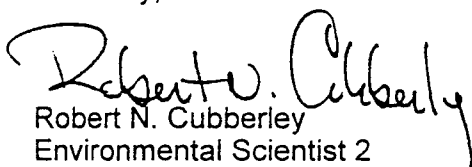
6. The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
7. This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
8. A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
9. The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
10. This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

### Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

Should you have any questions regarding this authorization, please contact William McLaughlin of our staff at (609) 984-0194, email (William.McLaughlin@DEP.State.NJ.US) or at the address listed above. Please reference the above file number.

Sincerely,



Robert N. Cubberley  
Environmental Scientist 2  
Bureau of Inland Regulation

WMcL

- c. Andy Didun, NJDEP  
Bureau of Enforcement  
Township of Colts Neck Clerk  
Township of Colts Neck Planning Board  
Monmouth County Planning Board